

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ROGER CANTU, et al.,

Plaintiffs,

v.

KINGS COUNTY, et al.,

Defendants.

Case No. 1:20-cv-00538-JLT-SAB

ORDER DISCHARGING ORDER TO  
SHOW CAUSE

(ECF Nos. 70, 71, 72)

On October 12, 2023, minor Plaintiff G.C., through their guardian ad litem Maryzol Jones (“Petitioner”), filed a petition to compromise Plaintiff G.C.’s claims in this action. (ECF Nos. 62, 63, 64, 65.) The matter was set for hearing on December 13, 2023. (ECF No. 62.) Upon review of the application materials, the Court determined supplemental briefing was necessary in advance of the hearing. Therefore, on December 1, 2023, the Court ordered Petitioner to file supplemental briefing on or before December 8, 2023, so the Court would have the materials in advance of the hearing. (ECF No. 69.) The deadline to file supplemental briefing expired and Petitioner did not file the supplemental briefing, nor any other filing notifying the Court why no such filing was made. Therefore, on December 11, 2023, the Court issued an order requiring Petitioner to show cause in writing why sanctions should not be imposed. (ECF No. 71.) The Court also continued the hearing on the petition until January 10, 2024. (Id.)

Also on December 11, 2023, Petitioner did file supplemental briefing. (ECF No. 70.) The supplemental briefing was docketed before the Court's order to show cause was docketed. Additionally on December 11, 2023, Petitioner filed a direct response to the Court's order to show cause. (ECF No. 72.)

In the supplemental briefing, Petitioner acknowledged the late filing in a declaration of counsel attached. (ECF No. 70-1 at 1-2.) Counsel proffers she was "out of the country traveling to Bali and Australia from November 12, 2023 and did not return until December 9, 2023. I drafted the supplemental briefing and conducted the requested research as quickly as I could upon my return." (*Id.* at 2.)

In the separate response to the OSC, Petitioner's counsel provides the same reasoning for the failure to file supplemental briefing. Counsel also expressly acknowledges previous issues with filings in this in relation to the law firm, proffering: "On this case in particular there has been a perfect storm of events: 1. The termination of the employee that was handling the day-to-day litigation of this case; 2. My subsequent surgery and recovery period, and 3. My vacation abroad." (ECF No. 72 at 2.) Counsel also attaches copies of her travel itinerary.

Although this is not the first order to show cause in this action, given counsel filed the supplemental briefing on December 11, 2023, with an acknowledgement of the delay even before the OSC was issued, and based on the additional information contained in the response to the OSC filed the same day the OSC was issued, the Court shall discharge the order to show cause.

Accordingly, IT IS HEREBY ORDERED that the order to show cause issued on December 11, 2023, (ECF No. 71), is DISCHARGED.

IT IS SO ORDERED.

Dated: December 12, 2023

  
UNITED STATES MAGISTRATE JUDGE